

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

:

- v. -

:

MICHAEL MENDLOWITZ,  
a/k/a "Moshe Mendlowitz,"

:

SUPERSEDING INDICTMENT

Defendant.

:

Si 17 Cr. 248 (VSB)

S2

:

X

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about 2010, through at least in or about July 2015, in the Southern District of New York and elsewhere, MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," the defendant, and others known and unknown, willfully and knowingly, combined, conspired, confederated and agreed together and with each other to violate Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," the defendant, and others known and unknown, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would

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and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**  
**(Wire Fraud)**

The Grand Jury further charges:

3. From at least in or about 2010, through at least in or about July 2015, in the Southern District of New York and elsewhere, MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," the defendant, knowingly and willfully, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, MENDLOWITZ made, and caused to be made, materially false statements to Company-1's customers and its Parent Company about the fees that Company-1 charged its customers for payment card processing services, and in connection therewith and in furtherance thereof, MENDLOWITZ

transmitted and caused to be transmitted interstate electronic mail, telephone calls, and wire transfers of funds.

(Title 18, United States Code, Sections 1343 and 2.)

**Count Three**  
**(Aggravated Identity Theft)**

The Grand Jury further charges:

4. From at least in or about February 2015, up to and including at least in or about July 2015, in the Southern District of New York and elsewhere, MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony enumerated in Title 18, United States Code, Section 1028A(c), to wit, MENDLOWITZ commissioned the production and deployment of computer software that caused the initials of potential customers to be placed onto pages of the application for Company-1's services containing terms and conditions, that those potential customers had not, in fact, initialed or authorized, during and in relation to the wire fraud offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offenses charged in Counts One and Two of this Indictment, MICHAEL MENDLOWITZ, a/k/a "Moshe Mendlowitz," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any and all property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses alleged in Counts One and Two of this Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

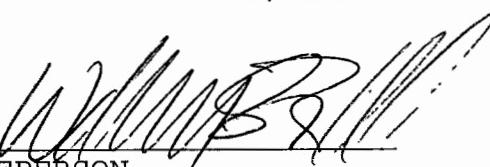
Substitute Asset Provision

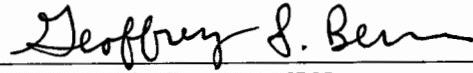
6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853(p); and Title 28, United States Code, Section 2461(c).)

  
FOREPERSON

  
Geoffrey S. Berman  
GEOFFREY S. BERMAN  
United States Attorney

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SUPERSEDING INDICTMENT

<sup>S1</sup> 17 Cr. 248 (VSB)  
<sup>S2</sup>

(18 U.S.C. §§ 1028A(a)(1), 1028A(b),  
1343, 1349, and 2)

GEOFFREY S. BERMAN

United States Attorney.



03/27/19 Superceding Indictment Filed

(CA)

KH PARKER  
USM